

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

SPEECH FIRST, INC.,

*Plaintiff,*

v.

Case No. 1:23-cv-00411-DAE

BRIAN MCCALL, in his official capacity as  
Chancellor of the Texas State University  
System, *et al.*,

*Defendants.*

**UNOPPOSED MOTION TO STAY THE PARTIES'  
OBLIGATION TO SUBMIT A PROPOSED SCHEDULING ORDER**

This Court has ordered the parties, by May 24, 2024, to “submit a proposed scheduling order.” Order (Doc. 39) at 1. But this case is effectively stayed, pending Speech First’s interlocutory appeal to the Fifth Circuit from the denial of its motion for a preliminary injunction. *See* Text Order (July 12, 2024) (“Defendants are ordered to respond to the complaint within 30 (thirty) days of the Court’s Order on the Preliminary Injunction, or the resolution of any appeal, if filed.”). After conferring with Defendants, Speech First submits this unopposed motion to pause that obligation pending appeal.

This Court should stay the parties’ obligation to submit a proposed scheduling order until 30 days after the resolution of the appeal. It is difficult for the parties to propose dates for a scheduling order because they do not know when the Fifth Circuit will issue its decision (and thus when the proceedings in this Court will resume). And in Speech First’s experience, the Fifth Circuit’s decision will likely dictate whether and how this case proceeds; in all of Speech First’s similar cases, no further litigation was needed after the court of appeals issued its decision. Staying the parties’ deadline thus could save judicial and party resources and will lead to more informed recommendations.

**CONCLUSION**

This Court should stay the parties’ obligation to submit a proposed scheduling order until 30 days after the resolution of Speech First’s appeal.

Date: May 20, 2024

Respectfully submitted,

/s/ Cameron T. Norris

J. Michael Connolly

Cameron T. Norris

James F. Hasson (TX Bar No. 24109982)

Thomas S. Vaseliou (TX Bar No. 24115891)

CONSOVOY MCCARTHY PLLC

1600 Wilson Blvd., Suite 700

Arlington, VA 22209

(703) 243-9423

mike@consovoymccarthy.com

cam@consovoymccarthy.com

james@consovoymccarthy.com

tvaseliou@consovoymccarthy.com

### **CERTIFICATE OF SERVICE**

I certify that on May 20, 2024, I e-filed this document and its attachments via ECF, which will automatically email all counsel of record.

/s/ Cameron Norris